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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,993	12/31/1998	M. HASSAN PIRASTEH	1246-043	4239

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/223,993

**Applicant(s)**

PIRASTEH ET AL.

**Examiner**

Gerald Gauthier

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. **Claim(s) 1-4, 6-9 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz (US 5,553,120) in view of Szlam (US 5,511,112).

Regarding **claim(s) 1**, Katz discloses a system for call processing (column 1, lines 40-45), comprising:

an IVR (AR1 on FIG. 1) adapted to perform an audio script (column 6, line 9 "to speak an instruction"), the IVR in electronic communication with the switch (column 6, lines 1-14) [The audio response unit in communication with the switch through lines LS1 speaks an instruction to the caller];

a server computer (CS on FIG. 1) in electronic communication with the telephone call receiving switch for receiving the out-of-band call destination information and in electronic communication with the IVR (column 3, lines 55-67) [The switch receives the telephone number and transmit the information to the audio response unit before the call is answered];

a network structure (Remote Terminal T1-Tn on Fig. 1) in electronic communication with the IVR and the server (column 2, lines 30-40) [The remote terminals are in communication with the server through the central office switch]; and

a port sharing data interface processing program (Processors IP1 on FIG. 1) in operation with the IVR, the program adapted to enable the script to be performed on multiple ports of the IVR (column 4, line 12 to column 5, line 8) [A packet data is assembled in the processor to specify specific questions bank associated with various game storing questions of different classification with respect to their difficulty].

Katz discloses the incoming call being tested using the ANI or the DNIS but fails to disclose passing out of band call destination information associated with the call.

However, Szlam teaches a telephone call-receiving switch configured prior to answering a call to detect and pass out of band call destination information comprising Dialed Number Identification Service (DNIS) information associated with the call (FIG. 1

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and column 5, lines 3-13) [The trunk interface units 10 decodes the ANI and the DNIS call data provided by the central office switch]; and

forwarding the out-of-band call destination information to the IVR before the call arrives at a port of the IVR (FIG. 1 and column 5, lines 3-13) [The central office forwards the out-of-band call destination information to the trunk interface units 10].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Katz using the call data destination information as taught by Szlam.

The modification of the invention would offer the capability of receiving the call data information at the interactive response units so that as the system would provide the customer account information to the user.

Regarding **claim(s) 2**, Katz discloses the call processor dynamically allocates scripts to ports (column 6, lines 5-14).

Regarding **claim(s) 3**, Katz discloses the system manages port state before, during, and after a call (column 3, lines 15-24).

Regarding **claim(s) 4**, Katz discloses a single list of DNIS numbers resides at the IVR (column 3, lines 55-66).

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Regarding **claim(s) 6 and 7**, Katz and Szlam discloses all the limitations of **claim(s) 6** as stated in **claim(s) 1**'s rejection and furthermore Katz discloses identifying an application (column 4, line 31 "specific operating format") associated with the call destination information (column 4, lines 26-45) [The called telephone number is used to select a specific operating format and game applications];

assigning the call to a selected one of the plurality of ports (column 3, line 22 "LS1-LSn") of the IVR (column 3, lines 15-24) [The CO couple the remote terminal unit through one of the several sets of lines of the audio response unit];

in response to receiving the call at the IVR, executing the identified application at the selected port (column 4, line 61 to column 5, line 8) [The telephone number designates a specific question bank associated with various game storing questions of different classification with respect to their difficulty].

Regarding **claim(s) 8**, Katz and Szlam discloses all the limitations of **claim(s) 8** as stated in **claim(s) 6**'s rejection and furthermore Katz discloses storing the associations, and in response to receiving the call destination information, looking up the call destination in the stored association (column 4, lines 29-45) [The caller scores are accumulated over a period time in the cache memory with key data for easy access].

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Regarding **claim(s) 9**, Szlam teaches detecting dialed Number Identification Service and Automatic Number Identification associated with the call (column 5, lines 3-13);

passing the DNIS and ANI out of band to the IVR before the call arrives at a port of the IVR (column 5, lines 3-13); and

answering the call at the PBX (column 5, lines 3-13).

Regarding **claim(s) 12**, Szlam teaches wherein the telephone call receiving switch is further configured to detect and pass out of band call destination information by detecting comprising Dialed Number Identification Service and Automatic Number Identification associated with the call (column 5, lines 3-13).

4. **Claim(s) 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Szlam and in further view of Hou et al. (US 5,325,421).

Regarding **claim(s) 5**, Katz and Szlam discloses all the limitations of **claim(s) 5** as stated in **claim(s) 1**'s rejection and furthermore Katz discloses a system (column 1, lines 40-45), comprising:

a plurality of multiple port IVR's (column 3, line 22 "LS1-LSn") adapted to play a plurality of scripts (column 4, line 39 "selection of cues"), in electronic communication

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with the switch (column 3, lines 15-24) [The communication facility couples the terminal unit to the set of lines of the audio response unit];

at least one server computer (24 on FIG. 1) in electronic communication with the telephone call receiving switch (CO on FIG. 1) for receiving the out-of-band call destination information (column 4, line 33 "DNIS") and the in electronic communication with the IVR's (column 3, lines 15-24), the at least one server configured to associate one of the plurality of scripts to the out-of-band call destination information (column 4, lines 12-25) [The master control memory unit supplies operating program data];

a network structure (CS on Fig. 1) facilitating electronic communication between the IVR's and the switches and the at least one server (column 3, lines 4-14); and

a port sharing data interface processing program (22 on FIG. 1) in operation with IVR's, whereby each port of each IVR is monitored to determine its availability to receive a call (column 3, line 26 "communication"), to request call destination information (column 4, line 33 "DNIS") from the server via the network structure and play at least one of the scripts (column 6, line 7 "receiving cue signals") to a caller (column 6, lines 5-14) [The audio response unit receives cues signal from the processor to activate the remote telephone unit and speak an instruction].

Katz discloses a central office with multiple terminals but fails to disclose a plurality of telephone call receiving switches.

However, Hou teaches a plurality of telephone call receiving switches (225 and 250 on Fig. 1).



It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Katz use a plurality of telephone call receiving switches of Hou in the network of Katz.

The modification of the invention would offer the capability of a plurality of telephone call receiving switches such as the system would provide the subscriber a number of enhanced functionalities.

5. **Claim(s) 10-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz in view of Szlam and in further view of Hammarström et al. (US 6,044,142).

Regarding **claim(s) 10**, Katz and Szlam disclose all the limitations of claim(s) 10 as stated in claim(s) 1' s rejection above and furthermore Katz discloses a master control memory unit with a cache memory but fails to disclose a table containing a plurality of call destination records.

However, Hammarström teaches a table (14 on FIG. 1) containing a plurality of call destination records (column 7, line 37 "call information") associated with a plurality of applications (column 7, lines 37-47) [The service control point analyzes the call information provided by the switch to identify the service script requested from the caller].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Katz using a table containing a plurality of call destination records as taught by Hammarström.

This modification of the invention would offer the capability of a table containing a plurality of call destination records so as the caller would be server by the operator workstation.

Regarding **claim(s) 11**, Katz discloses a scripter configured to prepare a script responsive to the call origination information (column 6, lines 5-14).

### ***Response to Arguments***

6. Applicant's arguments with respect to **claim(s)s 1-12** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**GERALD GAUTHIER**  
**PATENT EXAMINER**

g.g.  
March 28, 2005

  
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